

**UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

**In re**

**JACALYN S. NOSEK**

**Debtor**

**Chapter 13**

**Case No. 02-46025-JBR**

**JACALYN S. NOSEK**

**Plaintiff**

**Adversary Proceeding**

**No. 04-4517 and**

**No. 07-4109**

**v.**

**AMERIQUEST MORTGAGE COMPANY,  
et al.**

**Defendants**

**AFFIDAVIT OF JEFFERY K. GARFINKLE**

I, Jeffery K. Garfinkle, the undersigned attorney, being duly sworn, depose and state that:

1. I am an attorney and member of the law firm Buchalter Nemer, a Professional Corporation (the "Firm"), which has offices located at 18400 Von Karman Avenue, Suite 800, Irvine, California 92662, and I am submitting this affidavit on behalf of myself and the Firm.

2. I joined the Firm in February 2003 and while I did not have any personal knowledge of this bankruptcy case or the related adversary proceeding prior to my involvement in July of 2006, I have reviewed the Firm's files and conducted an investigation for the purposes of preparing a response for both myself and the Firm with

reference to the Court's Order to Show Cause dated January 25, 2008 ("Order to Show Cause").

3. From September 1990 until October 1991, I served as law clerk to the Honorable Louise DeCarl Adler, United States Bankruptcy Judge for the Southern District of California. Following the completion of my judicial clerkship I entered private practice.

4. Since June 1991 I have been and presently am a member in good standing of the bar of the highest court in the State of California where I regularly practice law. I am also admitted to practice law in: (a) the Ninth Circuit Court of Appeals, (b) the Sixth Circuit Court of Appeals, (c) the First Circuit Court of Appeals, (d) the Central District of California, (e) the Southern District of California, (f) the Eastern District of California and (g) the Northern District of California.

5. Over my 17 year career as a practicing attorney, with the sole exception of this case, I have never been fined, sanctioned or disciplined, or threatened with fines, sanctions or discipline, by any court in which I have appeared. I am not currently suspended or disbarred in any jurisdiction or court in which I am admitted to practice and therefore do not have any status reports to make on any pending matters.

6. I have reviewed the *Response of Buchalter Nemer, P.C. and Jeffery K. Garfinkle to Order to Show Cause dated January 25, 2008* (the "Response").

7. Based upon my personal knowledge, my review of the relevant files of the Firm and my investigation of the issues raised by the Order to Show Cause, the Statement of Facts contained in the Response is true and accurate and hereby incorporated in this Affidavit.

8. Upon receiving the OSC, I personally contacted each of the parties that are required to respond to the OSC. I was able to speak to all of the respondents, other than John Teston and Robert Charlton. It is my understanding that Mr. Charlton was provided with a copy of the OSC and he has already responded to the OSC. As to Mr. Teston, I obtained his last known telephone number and address from Ameriquest.

9. I called the last known telephone number for Mr. Teston and that number was disconnected. I then drafted a letter to Mr. Teston and caused that letter to be hand-delivered to the last known address for Mr. Teston. Upon attempting to deliver the letter to Mr. Teston, the current resident at that address informed the messenger that Mr. Teston did not reside at that location and that she had no knowledge of who Mr. Teston is. I also inquired of several of Mr. Teston's former co-workers at Ameriquest and none of them had any information about Mr. Teston's current whereabouts.

Signed under pains and penalties of perjury this 15th day of February, 2008.

/s/ Jeffery K. Garfinkle  
Jeffery K. Garfinkle

::ODMA\PCDOCS\DOCS\491011\1